

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

CLERK'S OFFICE U.S. DIST. COURT
AT ROANOKE, VA
FILED

November 06, 2024
LAURA A. AUSTIN, CLERK
BY:

s/A. Beeson
DEPUTY CLERK

DAVID LEE CRUEY, II,

Plaintiff,

v.

BRANDY BISHOP *et al.*,

Defendants.

Case No. 7:24-cv-00326

MEMORANDUM OPINION

By: Hon. Thomas T. Cullen
United States District Judge

Plaintiff David Lee Cruey, II, proceeding *pro se*, filed this civil-rights action under 42 U.S.C. § 1983. On October 2, 2024, the remaining Defendants jointly moved for summary judgment on Plaintiff's claims against them under Federal Rule of Civil Procedure 56. (*See* Defs.' Mot. for Summ. J. [ECF No. 22].) That same day, the Court ordered Plaintiff to respond to Defendants' motion within 21 days and advised Plaintiff that his failure to respond could result in dismissal of this action. (Roseboro Notice, Oct. 2, 2024 [ECF No. 25].)

More than 21 days have elapsed from the date of the Court's order, and Plaintiff has failed to respond. Accordingly, the Court will dismiss this action without prejudice for failure to prosecute and to comply with the Court's order. *See* Fed. R. Civ. P. 41(b).

The Clerk is directed to forward a copy of this Memorandum Opinion and the accompanying Order to the parties.

ENTERED this 6th of November, 2024.

/s/ Thomas T. Cullen

HON. THOMAS T. CULLEN
UNITED STATES DISTRICT JUDGE